

Introduced by Senator Murray

February 3, 2005

An act to amend Section 85316 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 145, as introduced, Murray. Political Reform Act of 1974: contributions.

(1) Existing law, the Political Reform Act of 1974, provides that a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election and the contribution does not otherwise exceed the applicable contribution limit for that election.

This bill would authorize an elected state officer to accept contributions after the date of the election to the office presently held for the purpose of paying expenses associated with holding office or for any other purpose authorized by the Political Reform Act of 1974, subject to certain limitations. The bill would set limits on the amount of contributions that may be made to an elected state officer in a calendar year and on the aggregate amount of contributions that a state officer may receive in a calendar year.

(2) Existing law requires the Fair Political Practices Commission to, among other things, adjust contribution and expenditure limitations set forth in the act.

This bill would require the Commission, in January of every odd-numbered year, to adjust the contribution limitations set forth in this bill to reflect any increase or decrease in the Consumer Price Index.

(3) Existing law makes a violation of this act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows.

1 SECTION 1. Section 85316 of the Government Code is
2 amended to read:

3 85316. ~~A—(a) Except as provided in subdivision (b), a~~
4 contribution for an election may be accepted by a candidate for
5 elective state office after the date of the election only to the
6 extent that the contribution does not exceed net debts outstanding
7 from the election, and the contribution does not otherwise exceed
8 the applicable contribution limit for that election.

9 (b) *Notwithstanding subdivision (a), an elected state officer*
10 *may accept contributions after the date of the election for the*
11 *purpose of paying expenses associated with holding the office, or*
12 ~~for any other purpose authorized pursuant to this title provided~~
13 ~~that the contributions are not expended for any payment for~~
14 ~~elected-related activities as defined in paragraph (2) of~~
15 ~~subdivision (b) of Section 82015 related to the current office or~~
16 ~~to a future office, or, any contribution to any state or local~~
17 ~~committee.~~

office provided that the contributions are not expended for any contribution to any state or local

Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

~~(3) Contributions made and received pursuant to this subdivision shall be subject only to the limitations in this subdivision and shall not be subject to any applicable contribution limit for the officeholder's past election or for any future election. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.~~

(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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(3) Any contribution received pursuant to this subdivision shall be deemed a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected including, but not limited to, reelection to the office he or she currently holds and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission.

1 SEC. 3. The Legislature finds and declares that the provisions
2 of this act further the purposes of the Political Reform Act of
3 1974 within the meaning of subdivision (a) of Section 81012 of
4 the Government Code.

5 SEC. 4. This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or safety
7 within the meaning of Article IV of the Constitution and shall go
8 into immediate effect. The facts constituting the necessity are:

9 In order to clarify issues relating to contributions made to an
10 elective state officer after the date of his or her election, it is
11 necessary that this bill take effect immediately.